

### REMARKS

Claims 49, 55-56, 59-61 and 71-77 are pending. By this amendment, claims 49 and 71 are amended; claims 70 and 78 are canceled. No new matter has been added. In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the application.

### THE REJECTIONS UNDER 35 U.S.C § 103(a)

Claims 49, 55-56, 59-61 and 71-77 stand rejected under 35 USC 103(a) as being unpatentable over Louie *et al.* (USPN 5,591,540) in view of Sasaki *et al.* (USPN 6,277,516) and in further view of Fulcher *et al.* (USPN 5,948,562). The Applicants traverse the rejections.

Consider claims 49 and 71, which have been amended to recite, in part:

***a single sheet of laminate material that is folded along its length*** such that said folded sheet of laminate material includes a folded edge and three opposed edges;  
an inner barrier layer for defining a cavity to contain the energy storage device, the inner barrier layer having two opposed portions from between which the terminals extend from the cavity, ***the opposed portions being heat sealed along the three opposed edges of the folded sheet*** and from between which the terminals extend from the cavity.

None of cited references, Louie, Sasaki and Fulcher, teaches or suggests the above bolded features. The Office Action alleges Louie teaches sheets of laminate material and refers to item 12 or 28 of Fig. 1 of Louie. In col. 2, ll. 4-12, Louie identifies these two items as first polymeric packaging film 12 and second polymeric packaging film 28. Thus, Louie does not teach or suggest “***a single sheet of laminate material that is folded along its length***” as claimed. The Office Action acknowledges deficiencies of Louie but alleges that Louie teaches that a packaged device “can be conformed to a given form factor” and “can be made with flexible, i.e., conformable stacks.” However, Louie merely concerns about using *a polymeric package* instead of *a metal foil package*. See Louie, col. 4, ll. 48-65. Accordingly, Louie’s flexible and conformable packaging is for making the package soft and more malleable. Moreover, Louie’s packaging seals all four edges. There is nothing in Louie that suggests folding one sheet of laminate material along its length and then heat sealing the three opposed edges of the folded sheet.

The claimed features have several advantages over Louie. For example, ease of manufacturing, as only a single sheet of laminate is required to form the package instead of two

separate pieces that need to be handled. Also, sealing effectiveness is increased because only three edges need to be sealed, the fourth edge is sealed by virtue of the folded laminate itself and is a far more effective seal than produced by a heat sealing process for the other three edges. Moreover, the cavity formed by folding a single sheet will generate a greater footprint because heat sealing consumes available path length of the edges being sealed. Additionally, the fourth edge provides a convenient location to place the energy storage device prior to the heat sealing. This locating of the device is a stable reference point for subsequent steps in the manufacturing process and repeatable. However, Louie makes no disclosure for this improvement. The suggested modification of Louie is therefore based on nothing more than improper hindsight reasoning in view of the present Application.

The Office Action alleges Sasaki discloses aluminum is a well-known material for use as a positive electrode current collector and Fulcher discloses a package for energy storage devices comprising a metal layer as an outer layer. Even if Sasaki and Fulcher disclose what the Office Action alleges, which is not so admitted, Sasaki and Fulcher do not cure the deficiencies of Louie. For at least the foregoing reasons claims 49 and 71 define over the cited art.

Claims 55-56, 59-61 and 72-77 depend from claims 49 and 71 respectively and therefore also defines patentable subject matter. Accordingly, Applicants respectfully request withdrawal of the instant rejections.

**CONCLUSION**

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

Applicants do not believe that any additional fees are required in connection with this submission. Nonetheless, Applicants authorize payment of any additional fees under 37 CFR §§ 1.16 or 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: December 23, 2008

/Shawn W. O'Dowd/

Shawn W. O'Dowd  
Registration No. 34,687

KENYON & KENYON LLP  
1500 K Street, N.W. – Suite 700  
Washington, D.C. 20005-1257  
Tel: (202) 220-4200  
Fax: (202) 220-4201  
DC01 753363 v1